

AMENDED IN ASSEMBLY JUNE 22, 2006  
AMENDED IN SENATE FEBRUARY 23, 2006

**SENATE BILL**

**No. 1190**

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**Introduced by Senator Alquist**

January 19, 2006

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An act to amend Sections 99230, 99231, 99232, 99233, 99234, ~~99234.5, 99235, 99237, 99240, and 99242~~ 99235, 99237, 99240, and 99242 of, to amend the heading of Article 3 (commencing with Section 99230) of Chapter 5 of Part 65 of, and to repeal ~~Section~~ Sections 99234.5, 99238, and 99241 of, the Education Code, relating to instructional programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1190, as amended, Alquist. Instructional programs: Science; ~~Mathematics, and Reading~~ Teacher Development Program (SMART) Act.

Existing law establishes the Mathematics and Reading Professional Development Program, which is administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under this program, a local education agency, as defined, receives incentive funding to provide training in mathematics and reading to teachers and to provide training to instructional aides and paraprofessionals, as defined, who directly assist with classroom instruction in mathematics and reading.

This bill would establish the Science, ~~Mathematics, and Reading~~ Teacher Development Program (SMART) Act by recasting and revising numerous provisions relating to the Mathematics and Reading Professional Development Program. The bill would generally add science instruction to the subject matter of the existing program. The

bill would make the program inoperative on July 1, 2012, and repeal it on January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The heading of Article 3 (commencing with*  
2     *Section 99230) of Chapter 5 of Part 65 of the Education Code is*  
3     *amended to read:*

4  
5     Article 3. ~~Mathematics and Reading Professional Science~~  
6     ~~Teacher Development Program Act~~

7  
8     ~~SECTION 1.~~

9     *SEC. 2.* Section 99230 of the Education Code is amended to  
10    read:

11    99230. This article shall be known and may be cited as the  
12    ~~Science, Mathematics, and Reading Teacher Development~~  
13    ~~Program (SMART) Science Teacher Development Act.~~

14    ~~SEC. 2.~~

15    *SEC. 3.* Section 99231 of the Education Code is amended to  
16    read:

17    99231. For the purposes of this article, the following terms  
18    have the following meanings:

19    (a) “Instructional aide” means a person who is employed on  
20    either a full-time or a part-time basis for the purpose of directly  
21    assisting with classroom instruction in mathematics, reading, or  
22    science in a California public school in which kindergarten or  
23    any of grades 1 to 12, inclusive, are taught, and who does not  
24    possess a valid teaching credential, certificate, authorization, or  
25    permit issued by the Commission on Teacher Credentialing, and  
26    does not include a paraprofessional, as defined in subdivision (d).

27    (b) “Instructional materials that are aligned to state standards”  
28    means, for grades 1 to 8, inclusive, materials adopted by the state  
29    board after January 1, 2001, unless otherwise authorized by the  
30    state board. For grades 9 to 12, inclusive, “instructional materials  
31    that are aligned to state standards” means materials that the  
32    governing board of the local education agency has, after careful  
33    review, certified are aligned to the state reading, mathematics, or

1 science content standards and the curriculum frameworks for  
2 these subjects.

3 (c) “Local education agency” means a school district, county  
4 office of education, state special school, or charter school.

5 (d) “Paraprofessional” means a teacher aide, a teacher  
6 assistant, or a speech language pathology assistant who is  
7 employed on either a full-time or a part-time basis for the  
8 purpose of directly assisting with classroom instruction in  
9 mathematics, reading, or science in a California public school in  
10 which kindergarten or any of grades 1 to 12, inclusive, are  
11 taught, and who does not possess a valid teaching credential,  
12 certificate, authorization, or permit issued by the Commission on  
13 Teacher Credentialing.

14 (e) “Teacher” means a person who holds a valid teaching  
15 credential, certificate, authorization, or permit issued by the  
16 California Commission on Teacher Credentialing, and is  
17 employed on either a full-time or a part-time basis in a California  
18 public school in which kindergarten or any of grades 1 to 12,  
19 inclusive, are taught.

20 ~~SEC. 3.~~

21 *SEC. 4.* Section 99232 of the Education Code is amended to  
22 read:

23 99232. (a) ~~The Science, Mathematics, and Reading Teacher~~  
24 ~~Development Program (SMART) is hereby established~~ *Teacher*  
25 *Development Act is hereby enacted*, and shall be administered by  
26 the Superintendent of Public Instruction with the approval of the  
27 state board.

28 (b) A local education agency that maintains kindergarten or  
29 any of grades 1 to 12, inclusive, is eligible to apply for and  
30 receive incentive funding from funds appropriated for the  
31 purpose of this article.

32 (c) From funds appropriated for the purpose of this article, the  
33 Superintendent of Public Instruction shall award funding to  
34 provide teachers and instructional aides and paraprofessionals  
35 who directly assist with classroom instruction in mathematics,  
36 reading, or science with instruction and training in the areas of  
37 mathematics, reading, or science.

38 ~~SEC. 4.~~

39 *SEC. 5.* Section 99233 of the Education Code is amended to  
40 read:

1 99233. (a) This program is intended to serve the following  
2 categories of staff:

3 (1) Teachers employed in a public school for the purpose of  
4 teaching in a self-contained classroom that serves pupils in  
5 kindergarten or any of grades 1 to 8, inclusive. Teachers  
6 described in this paragraph are eligible to receive instruction in  
7 mathematics, reading, and science.

8 (2) Teachers employed in a public school for the purpose of  
9 providing mathematics, reading, or science instruction to pupils  
10 with disabilities. Teachers described in this paragraph are eligible  
11 to receive instruction in ~~both~~ mathematics, reading, and science.

12 (3) Teachers who hold a single-subject teaching credential,  
13 certificate, or authorization issued by the Commission on  
14 Teacher Credentialing that authorizes them to teach English or  
15 social science in a classroom that is not self-contained and who  
16 are employed in a public school. Teachers described in this  
17 paragraph are eligible to receive instruction in reading.

18 (4) Holders of one-year emergency teaching permits and  
19 emergency career substitute teaching permits who are employed  
20 in a public school and assigned to teach English or social science  
21 courses in a classroom that is not self-contained. Teachers  
22 described in this paragraph are eligible to receive instruction in  
23 reading.

24 (5) Teachers who hold a single-subject teaching credential,  
25 certificate, or authorization issued by the Commission on  
26 Teacher Credentialing that authorizes them to teach mathematics  
27 or science in a classroom that is not self-contained and who are  
28 employed in a public school. Teachers described in this  
29 paragraph are eligible to receive instruction in both mathematics  
30 and science.

31 (6) Holders of one-year emergency teaching permits and  
32 emergency career substitute teaching permits who are employed  
33 in a public school and assigned to teach mathematics or science  
34 courses in a classroom that is not self-contained. Teachers  
35 described in this paragraph are eligible to receive instruction in  
36 both mathematics and science.

37 (7) Instructional aides and paraprofessionals who directly  
38 assist with classroom instruction in mathematics, reading, or  
39 science who are employed in a public school for the purpose of  
40 assisting teachers in the instruction of pupils in kindergarten or

1 any of grades 1 to 12, inclusive. Instructional aides and  
2 paraprofessionals who directly assist with classroom instruction  
3 in mathematics and reading described in this paragraph are  
4 eligible to receive instruction in mathematics, reading, or science.

5 (b) Holders of emergency 30-day substitute teaching permits  
6 issued by the California Commission on Teacher Credentialing  
7 are not eligible to receive training offered pursuant to this article.

8 ~~SEC. 5.~~

9 *SEC. 6.* Section 99234 of the Education Code is amended to  
10 read:

11 99234. (a) (1) The Superintendent shall notify local  
12 educational agencies that they are eligible to receive an incentive  
13 award based on the percentage of eligible teachers calculated in  
14 accordance with provisions of an item of appropriation in the  
15 annual Budget Act. It is the intent of the Legislature that a local  
16 educational agency give highest priority to training teachers  
17 ~~assigned to high-priority schools and teachers assigned to schools~~  
18 ~~that are under state sanctions.~~ *who are new to the teaching*  
19 *profession, who are participating in the California Reading First*  
20 *Program, who are assigned to schools that are under state*  
21 *sanctions as specified under Sections 52055.5 and 52055.650, or*  
22 *who have recently changed teaching assignments.*

23 (2) It is also the intent of the Legislature that funding  
24 appropriated in one fiscal year that is not expended by a local  
25 educational agency be redirected to local educational agencies  
26 that have trained more eligible teachers than the percentage  
27 funded. If a redirection of funding occurs, funding in subsequent  
28 fiscal years for the local educational agencies involved shall be  
29 adjusted to reflect the redirection of funding.

30 (b) A school district that cannot make the certification  
31 required pursuant to paragraph (3) of subdivision (a) of Section  
32 99237 for all the grade levels it maintains in reading,  
33 mathematics, or science may apply for and receive incentive  
34 funding for the grade levels and subjects for which it can make  
35 the certification required pursuant to paragraph (3) of subdivision  
36 (a) of Section 99237, in which case the certified assurance  
37 submitted pursuant to Section 99237 applies only to the  
38 professional development provided to teachers ~~and instructional~~  
39 ~~aides,~~ *instructional aides,* and paraprofessionals who directly  
40 assist with classroom instruction in mathematics, reading, or

1 science in the grade levels and subjects for which it can make the  
2 certification required pursuant to paragraph (3) of subdivision (a)  
3 of Section 99237.

4 (c) Of the incentive provided pursuant to subdivision (a), a  
5 local educational agency may use not more than one thousand  
6 dollars (\$1,000) of the per teacher per subject amount to provide  
7 an individual teacher stipend.

8 (d) The Superintendent shall notify local educational agencies  
9 that the maximum funding for the purpose of this article for  
10 which they are eligible each year is equal to the percentage  
11 calculated in accordance with provisions of an item of  
12 appropriation in the annual Budget Act, multiplied by the sum of  
13 the following two factors multiplied by two thousand five  
14 hundred dollars (\$2,500):

15 (1) Twice the number of multiple subjects teachers teaching in  
16 a self-contained classroom and special education teachers, as  
17 specified in paragraphs (1) and (2) of subdivision (a) of Section  
18 99233, that provide direct instruction in reading, mathematics, or  
19 science as reported in the most recent available CBEDS data,  
20 who have not received training pursuant to either this article or  
21 Article 2 (commencing with Section 99220).

22 (2) The number of mathematics, English, science, and social  
23 science teachers, as specified in paragraphs (3) to (6), inclusive,  
24 of subdivision (a) of Section 99233 that were reported in the  
25 most recent available CBEDS data, who have not received  
26 training pursuant to either this article or Article 2 (commencing  
27 with Section 99220).

28 (e) The Superintendent of Public Instruction shall allocate  
29 funding appropriated for the purposes of this article in the  
30 following order of priority:

31 (1) Two thousand five hundred dollars (\$2,500) for each  
32 qualifying teacher who was provided training pursuant to  
33 subdivision (a) in the prior year for whom the local educational  
34 agency did not receive funding due to insufficient availability of  
35 funds in the prior fiscal year.

36 (2) Two thousand five hundred dollars (\$2,500) for each  
37 qualifying teacher who was provided training pursuant to this  
38 article, subject to the limitations in subdivision (d).

1 (3) Two thousand five hundred dollars (\$2,500) for each  
2 qualifying teacher who was provided training pursuant to this  
3 article in excess of limitations in subdivision (d).

4 (f) Funding may not be provided to a local educational agency  
5 until the state board approves the certified assurance of the  
6 agency submitted pursuant to subdivision (a) of Section 99237.

7 (g) Of the funding a local educational agency is eligible to  
8 receive pursuant to this section for each eligible teacher, 50  
9 percent shall be awarded following the provision of 40 hours of  
10 ~~training based on instructional materials adopted by the state~~  
11 ~~board or standards-aligned instructional materials, as specified in~~  
12 ~~subdivision (b) of Section 99237~~ *professional development based*  
13 *on the statewide academic content standards adopted pursuant to*  
14 *Section 60605, the Mathematics and Reading/English Language*  
15 *Arts frameworks adopted by the State Board of Education, and*  
16 *instructional materials adopted by the state board or*  
17 *instructional materials that the governing board of the local*  
18 *educational agency certifies are aligned to the state reading,*  
19 *mathematics, or science content standards and the curriculum*  
20 *frameworks for those subjects for grades 9 to 12, inclusive, with*  
21 *the remaining funding to be awarded following certification of*  
22 *the provision of the 80 hours of followup instruction as specified*  
23 *in subdivision (b) of Section 99237. The 80 hours of training*  
24 *may be completed over a two-year period.*

25 (h) A local educational agency may not receive funds pursuant  
26 to this article for teachers who receive training pursuant to  
27 Article 2 (commencing with Section 99220) using funding  
28 provided pursuant to that article.

29 SEC. 6. ~~Section 99234.5 of the Education Code is amended to~~  
30 ~~read:~~

31 ~~99234.5. Prioritization for participation in the program~~  
32 ~~established pursuant to this article shall be determined in the~~  
33 ~~following manner:~~

34 (a) ~~Teachers who have not participated in a professional~~  
35 ~~development institute in reading, mathematics, or science that is~~  
36 ~~authorized pursuant to Article 2 (commencing with Section~~  
37 ~~99220) shall be accorded first priority for training pursuant to~~  
38 ~~this article.~~

39 (b) ~~Teachers who have participated in a professional~~  
40 ~~development institute in reading, mathematics, or science that is~~

1 authorized pursuant to Article 2 (commencing with Section  
2 99220), but who have not yet received supplemental training in  
3 the areas specified in paragraph (2) of subdivision (a) of Section  
4 99237 shall be accorded second priority for training pursuant to  
5 this article.

6 *SEC. 7. Section 99234.5 of the Education Code is repealed.*

7 ~~99234.5. Prioritization for participation in the program~~  
8 ~~established pursuant to this article shall be determined in the~~  
9 ~~following manner:~~

10 ~~(a) Teachers who have not participated in a professional~~  
11 ~~development institute in reading or mathematics that is~~  
12 ~~authorized pursuant to Article 2 (commencing with Section~~  
13 ~~99220) shall be accorded first priority for training pursuant to~~  
14 ~~this article.~~

15 ~~(b) Teachers who have participated in a professional~~  
16 ~~development institute in reading or mathematics that is~~  
17 ~~authorized pursuant to Article 2 (commencing with Section~~  
18 ~~99220), but who have not yet received supplemental training in~~  
19 ~~the areas specified in paragraph (2) of subdivision (a) of Section~~  
20 ~~99237 shall be accorded second priority for training pursuant to~~  
21 ~~this article.~~

22 *SEC. 7.*

23 *SEC. 8. Section 99235 of the Education Code is amended to*  
24 *read:*

25 99235. (a) The Superintendent of Public Instruction shall  
26 notify local educational agencies that they are eligible to receive  
27 funding to provide instructional aides and paraprofessionals who  
28 directly assist with classroom instruction in mathematics,  
29 reading, or science with professional development training in  
30 mathematics, reading, or science, in an amount equal to one  
31 thousand dollars (\$1,000) per qualifying instructional aide.  
32 Funding will be provided to local educational agencies on a  
33 first-come, first-served basis. A local educational agency that  
34 chooses to participate in the program is eligible to receive  
35 funding for no greater than the percentage calculated in  
36 accordance with provisions of an item of appropriation in the  
37 annual Budget Act for its instructional aides and  
38 paraprofessionals.

39 (b) Of the incentive provided pursuant to subdivision (a), a  
40 local educational agency may not use more than five hundred



1 dollars (\$500) of the amount per instructional aide and  
2 paraprofessional who directly assists with classroom instruction  
3 in mathematics, reading, or science, to provide an individual  
4 instructional aide stipend.

5 ~~SEC. 8.~~

6 *SEC. 9.* Section 99237 of the Education Code is amended to  
7 read:

8 99237. (a) As a condition of receipt of funds for purposes of  
9 Section 99234 or 99235, a local education agency shall submit a  
10 certified assurance signed by the appropriate agency official and  
11 approved in a public session by the governing body of the agency  
12 to the state board that contains its proposal to satisfy the  
13 following:

14 (1) It contracted with a provider whose training curriculum  
15 ~~was approved by the state board based upon one of the training~~  
16 ~~models outlined in guidelines and criteria for approval of~~  
17 ~~training providers established by the State Board of Education,~~  
18 ~~and was approved by the state board,~~ or the local education  
19 agency's training curriculum was based upon one of the training  
20 models outlined in guidelines and criteria for approval of  
21 training providers established by the State Board of Education,  
22 and approved by the state board. Approval by the state board of  
23 the training curriculum shall be based on the criteria contained in  
24 paragraph (4) and in subdivision (b).

25 (2) It or the provider with whom it contracted provided  
26 professional development training focused primarily on the  
27 following:

28 ~~(A) The use of instructional materials that will be used by~~  
29 ~~pupils and are aligned to the English-language arts, mathematics,~~  
30 ~~or science content standards adopted by the state board pursuant~~  
31 ~~to Section 60605.~~

32 ~~(B) The English-language arts, mathematics, and science~~  
33 ~~content standards adopted by the state board pursuant to Section~~  
34 ~~60605.~~

35 ~~(C) The curriculum frameworks adopted by the state board for~~  
36 ~~English-language arts, mathematics, and science.~~

37 ~~(D) The training shall include instructional strategies to teach~~  
38 ~~essential content in ways that address the varied learning needs~~  
39 ~~of pupils, with special emphasis on English-language learners~~  
40 ~~and pupils with disabilities.~~

1 (A) *The mathematics, science, or English language arts content*  
2 *standards adopted by the state board pursuant to Section 60605.*

3 (B) *The curriculum frameworks adopted by the state board for*  
4 *mathematics, science, and English language arts.*

5 (C) *The use of instructional materials that will be used by*  
6 *pupils and are aligned to the mathematics, science, or English*  
7 *language arts content standards adopted by the state board*  
8 *pursuant to Section 60605.*

9 (D) *The training shall include instructional strategies designed*  
10 *to help all pupils gain mastery of the California academic*  
11 *content standards with special emphasis on English language*  
12 *learners and pupils with exceptional needs. The training provider*  
13 *shall present instructional strategies that use the universal*  
14 *access and English language development components of the*  
15 *adopted program. In addition, the Superintendent shall notify*  
16 *each local education agency that it has the option to request the*  
17 *training provider to focus at least 25 percent of the training on*  
18 *strategies designed to help English language learners or pupils*  
19 *with exceptional needs to gain mastery of the California content*  
20 *standards. A training provider shall also present instructional*  
21 *strategies using the English language development components*  
22 *of the adopted program, and provide strategies to differentiate*  
23 *instruction as needed in the basic programs.*

24 (3) (A) It provides each pupil with instructional materials that  
25 are aligned to the state content standards in ~~English language~~  
26 *English language arts, mathematics, and science* no later than the  
27 first day of the first school term that commences 12 months or  
28 less after those materials are adopted by the state board in the  
29 case of instructional materials for grades 1 to 8, inclusive, or by  
30 the governing board of the school district in the case of  
31 instructional materials for grades 9 to 12, inclusive.

32 (B) For local education agencies that are piloting or evaluating  
33 instructional materials that are aligned to the state content  
34 standards in ~~English language~~ *English language arts,*  
35 *mathematics, and science,* those materials shall be provided to  
36 each pupil no later than the first day of the first school term that  
37 commences 24 months or less after those materials were adopted  
38 by the state board in the case of instructional materials for grades  
39 1 to 8, inclusive, or by the governing board of the school district  
40 in the case of instructional materials for grades 9 to 12, inclusive.

1 (C) If a local education agency has not adopted instructional  
2 materials as required by subparagraph (A) for one or more grade  
3 levels because it is piloting or evaluating those instructional  
4 materials, the local education agency may only claim funding  
5 pursuant to Section 99234 for grade levels and subjects where the  
6 local education agency is in compliance with subparagraphs (A)  
7 and (B).

8 (D) For each teacher, in each core area for which funding is  
9 claimed pursuant to this article and for which there are not  
10 standards-aligned textbooks for each pupil, as determined  
11 through an audit, the Superintendent of *Public Instruction*, on a  
12 one-time basis, shall withhold from the local education agency's  
13 ~~next monthly principal apportionment payment~~ *next monthly*  
14 *principal apportionment payment to the local education agency*  
15 an amount equal to one hundred dollars (\$100) for each of those  
16 pupils. The funds withheld are deemed to be an offset against the  
17 training funds provided pursuant to this article.

18 (4) It provides in-house professional development that focuses  
19 primarily on the following:

20 ~~(A) The use of instructional materials that will be used by~~  
21 ~~pupils and are aligned to the English-language arts, mathematics,~~  
22 ~~and science content standards adopted by the state board pursuant~~  
23 ~~to Section 60605.~~

24 ~~(B) The English-language arts, mathematics, and science~~  
25 ~~content standards adopted by the state board pursuant to Section~~  
26 ~~60605.~~

27 ~~(C) The curriculum frameworks adopted by the state board for~~  
28 ~~these subjects.~~

29 ~~(D) The training shall include instructional strategies to teach~~  
30 ~~essential content in ways that address the varied learning needs~~  
31 ~~of pupils, with special emphasis on English-language learners~~  
32 ~~and pupils with disabilities.~~

33 ~~(5) It provides the data elements required pursuant to Section~~  
34 ~~99240.~~

35 ~~(A) The mathematics, science, or English language arts~~  
36 ~~content standards adopted by the state board pursuant to Section~~  
37 ~~60605.~~

38 ~~(B) The curriculum frameworks adopted by the state board for~~  
39 ~~mathematics, science, and English language arts.~~

1 (C) *The use of instructional materials that will be used by*  
2 *pupils and are aligned to the mathematics, science, or English*  
3 *language arts content standards adopted by the state board*  
4 *pursuant to Section 60605.*

5 (D) *The training shall include instructional strategies*  
6 *designed to help all pupils gain mastery of the California*  
7 *academic content standards with special emphasis on English*  
8 *language learners and pupils with exceptional needs. The*  
9 *training provider shall present instructional strategies that use*  
10 *the universal access and English language development*  
11 *components of the adopted program. In addition, the*  
12 *Superintendent shall notify each local education agency that it*  
13 *has the option to request the training provider to focus at least*  
14 *25 percent of the training on strategies designed to help English*  
15 *language learners or pupils with exceptional needs to gain*  
16 *mastery of the California content standards. A training provider*  
17 *shall also present instructional strategies using the English*  
18 *language development components of the adopted program, and*  
19 *provide strategies to differentiate instruction as needed in the*  
20 *basic programs.*

21 (b) *As an additional condition of receipt of funds for purposes*  
22 *of Section 99234, a local education agency shall certify that:*

23 (1) ~~Forty hours of training based on instructional materials~~  
24 ~~adopted by the state board or standards-aligned instructional~~  
25 ~~materials~~ *professional development based on the statewide*  
26 *academic content standards adopted pursuant to Section 60605,*  
27 *the Mathematics and Reading/English Language Arts*  
28 *frameworks adopted by the State Board of Education, and*  
29 *instructional materials adopted by the state board or*  
30 *instructional materials that the governing board of the local*  
31 *educational agency certifies are aligned to the state reading,*  
32 *mathematics, or science content standards and the curriculum*  
33 *frameworks for those subjects for grades 9 to 12, inclusive, and*  
34 *80 hours of followup instruction, coaching, or additional*  
35 *schoolsite assistance, in mathematics, reading, or science, as*  
36 *appropriate, was provided to teachers who meet the criteria*  
37 *specified in paragraphs (1) and (2) of subdivision (a) of Section*  
38 *99233. In addition, the Superintendent of Public Instruction shall*  
39 *notify each local education agency that it has the option to focus*  
40 *at least 25 percent of the training on strategies designed to help*

1 *English language learners or pupils with exceptional needs to*  
2 *gain mastery of the California content standards. A training*  
3 *provider shall also present instructional strategies using the*  
4 *English language development components of the adopted*  
5 *program, and provide strategies to differentiate instruction as*  
6 *needed in the basic programs.*

7 ~~(2) Forty hours of professional development in reading and an~~  
8 ~~average of 80 hours of followup instruction, coaching, or~~  
9 ~~additional schoolsite assistance was provided to teachers who~~  
10 ~~meet the criteria specified in paragraphs (3) and (4) of~~  
11 ~~subdivision (a) of Section 99233, and 40 hours of professional~~  
12 ~~development in mathematics and an average of 80 hours of~~

13 *(2) Forty hours of reading or English language arts*  
14 *professional development that includes strategies to help all*  
15 *pupils gain mastery of the California content standards and*  
16 *based on the statewide academic content standards adopted*  
17 *pursuant to Section 60605, the Reading/English Language Arts*  
18 *framework adopted by the State Board of Education, and*  
19 *instructional materials adopted by the state board or*  
20 *instructional materials that the governing board of the local*  
21 *education agency certifies are aligned to the state reading or*  
22 *mathematics content standards and the curriculum frameworks*  
23 *for those subjects for grades 9 to 12, inclusive, and 80 hours of*  
24 *followup instruction, coaching, or additional schoolsite*  
25 *assistance, based upon the individual teacher or school needs,*  
26 *was provided to teachers who meet the criteria specified in*  
27 *paragraphs (3) and (4) of subdivision (a) of Section 99233. In*  
28 *addition, the Superintendent of Public Instruction shall notify*  
29 *each local education agency that it has the option to request the*  
30 *training provider to focus at least 25 percent of the training on*  
31 *strategies designed to help English language learners or pupils*  
32 *with exceptional needs to gain mastery of the California content*  
33 *standards. A training provider shall also present instructional*  
34 *strategies using the English language development components*  
35 *of the adopted program, and provide strategies to differentiate*  
36 *instruction as needed in the basic programs.*

37 *(3) Forty hours of professional development in mathematics*  
38 *based on the statewide academic content standards adopted*  
39 *pursuant to Section 60605, the mathematics framework adopted*  
40 *by the State Board of Education, instructional strategies*

1 *designed to help all pupils gain mastery of the California*  
2 *academic content standards, and instructional materials adopted*  
3 *by the state board or instructional materials that the governing*  
4 *board of the local education agency certifies are aligned to the*  
5 *state reading or mathematics content standards and the*  
6 *curriculum frameworks for those subjects for grades 9 to 12,*  
7 *inclusive, and 80 hours of followup instruction, coaching, or*  
8 *additional schoolsite assistance, based upon the individual*  
9 *teacher or school needs, was provided to teachers who meet the*  
10 *criteria specified in paragraphs (5) and (6) of subdivision (a) of*  
11 *Section 99233. In addition, the Superintendent shall notify each*  
12 *local education agency that it has the option to request the*  
13 *training provider to focus at least 25 percent of the training on*  
14 *strategies designed to help English language learners or pupils*  
15 *with exceptional needs to gain mastery of the California content*  
16 *standards. A training provider shall also present instructional*  
17 *strategies using the English language development components*  
18 *of the adopted program, and provide strategies to differentiate*  
19 *instruction as needed in the basic programs.*

20 (c) If, as the result of a program audit, it is found that the  
21 participating local education agency served fewer participants  
22 than it was funded to serve, the Superintendent of Public  
23 Instruction shall withhold from the local education agency's next  
24 ~~monthly principal apportionment~~ *next monthly principal*  
25 *apportionment payment to the local education agency* payment  
26 an amount proportional to the amount of funding associated with  
27 the number of teachers that were not served.

28 (d) If, as the result of a program audit, it is found that the  
29 training provided by the local education agency or the provider  
30 with whom it contracted did not meet the requirements of  
31 paragraph (4) of subdivision (a), the Superintendent of Public  
32 Instruction shall withhold from the next monthly principal  
33 apportionment payment to the local educational agency an  
34 amount equal to the amount of funding associated with the  
35 training that was not aligned to state standards and curriculum  
36 frameworks.

37 ~~(e) In addition to receiving funding pursuant to this article, a~~  
38 ~~school district, charter school, or county office of education may~~  
39 ~~also claim funding under the professional development block~~  
40 ~~grant pursuant to subdivision (a) of Section 41531 for the~~

~~hours of training based on instructional materials adopted by the state board or standards-aligned instructional materials or the 80 hours of followup instruction, coaching, or additional schoolsite assistance required pursuant to subdivision (b) if the training meets the requirements of Section 44579.5, as it read prior to January 1, 2006.~~

~~(f)~~

(e) The state board shall establish a procedure and criteria for local educational agencies to appeal to the board the findings of an audit conducted pursuant to this article. The board may reduce or eliminate the amount to be withheld pursuant to subdivision (d) if the board determines that the local educational agency was in substantial compliance with this section.

~~(g)~~

(f) It is the intent of the Legislature that audits referenced in subdivisions (c) and (d) be conducted as part of a compliance audit performed in accordance with ~~Chapter 3 (commencing with Section 14500) of Part 9 and Section~~ *Sections 14503, 14508, and 41020.*

*SEC. 10. Section 99238 of the Education Code is repealed.*

~~99238. (a) For the purpose of this article, the State Board of Education shall determine whether professional development programs that are not operated pursuant to Sections 99220 to 99226, inclusive, meet minimum criteria for quality specified in paragraph (4) of subdivision (a) of Section 99237 and subdivision (b) of Section 99237.~~

~~(b) The State Board of Education may contract for the review of certified assurances submitted pursuant to Section 99237.~~

~~SEC. 9.~~

*SEC. 11. Section 99240 of the Education Code is amended to read:*

99240. (a) ~~By July 1~~ *June 30, 2008*, the department shall submit, subject to review and approval by the state board, a report to the Legislature regarding the program established pursuant to this article for submission to the Legislature. The ~~interim~~ report shall, at a minimum, detail all of the following:

(1) The number of teachers, by credential type, who have received training offered pursuant to this article.

(2) The number of instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics,

1 reading, ~~or science, or social~~ science who have received training  
2 offered pursuant to this article.

3 (3) The entities that have received funds for the purpose of  
4 offering training pursuant to this article, and the number of  
5 teachers ~~and instructional aides,~~ *instructional aides*, and  
6 paraprofessionals who directly assist with classroom instruction  
7 in mathematics, reading, ~~or science, or social~~ science,  
8 respectively, that each has trained.

9 (4) Information detailing the effectiveness of the program  
10 established pursuant to this article. This information shall, at a  
11 minimum, incorporate survey data concerning program  
12 effectiveness and preprogram and postprogram pupil  
13 achievement that has been gathered from program participants  
14 and school principals.

15 (5) To the extent that information is available, information  
16 detailing ~~the retention rate, by credential type,, by credential~~  
17 *type, the retention rate* of teachers who participated in training  
18 offered pursuant to this article. The information shall, at a  
19 minimum, incorporate sample data concerning teachers who are  
20 no longer in the profession.

21 (6) To the extent that information is available, information  
22 detailing the retention rate of instructional aides and  
23 paraprofessionals who directly assist with classroom instruction  
24 in mathematics ~~or reading,~~ *reading, science, or social science*  
25 who participated in training offered pursuant to this article. The  
26 information shall, at a minimum, incorporate sample data  
27 concerning aides who are no longer in the profession, as well as  
28 aides who have obtained a teaching credential subsequent to the  
29 training.

30 (b) By ~~June 30, 2005~~ *December 31, 2012*, the department shall  
31 submit, subject to review and approval by the state board, a  
32 report to the Legislature regarding the program established  
33 pursuant to this article. The report shall, at a minimum, detail the  
34 following:

35 (1) The number of teachers, by credential type, who received  
36 training offered pursuant to this article.

37 (2) The number of instructional aides and paraprofessionals  
38 who directly assist with classroom instruction in mathematics ~~or~~  
39 ~~reading,~~ *reading, science, or social science*, and who received  
40 training offered pursuant to this article.



1 (3) The entities that received funds for the purpose of offering  
2 training pursuant to this article ~~and the number of teachers and~~  
3 ~~instructional aides and the number of teachers, instructional~~  
4 ~~aides, and paraprofessionals who directly assist with classroom~~  
5 ~~instruction in mathematics or reading, reading, science, or social~~  
6 ~~science, respectively, that each has trained.~~

7 (4) Information detailing the effectiveness of the program  
8 established pursuant to this article. This information shall, at a  
9 minimum, incorporate survey data concerning program  
10 effectiveness that has been gathered from program participants  
11 and school principals.

12 (5) To the extent information is available, information  
13 detailing ~~the retention rate, by credential type,, by credential~~  
14 ~~type, the retention rate~~ of teachers who participated in training  
15 offered pursuant to this article. The information shall, at a  
16 minimum, incorporate sample data concerning teachers who are  
17 no longer in the profession.

18 (6) To the extent information is available, information  
19 detailing the retention rate of instructional aides and  
20 paraprofessionals who directly assist with classroom instruction  
21 in ~~mathematics or reading, reading, science, or social science,~~  
22 and who participated in training offered pursuant to this article.  
23 The information shall, at a minimum, incorporate sample data  
24 concerning aides who are no longer in the profession, as well as  
25 aides who have obtained a teacher credential subsequent to  
26 training.

27 ~~(e) By December 31, 2012, the department shall submit,~~  
28 ~~subject to review and approval by the state board, a report to the~~  
29 ~~Legislature regarding the program established pursuant to this~~  
30 ~~article. The final report shall, at a minimum, detail all of the~~  
31 ~~following:~~

32 ~~(1) The number of teachers, by credential type, who received~~  
33 ~~training offered pursuant to this article.~~

34 ~~(2) The number of instructional aides and paraprofessionals~~  
35 ~~who directly assist with classroom instruction in mathematics,~~  
36 ~~reading, or science, and who receive training offered pursuant to~~  
37 ~~this article.~~

38 ~~(3) The entities that received funds for the purpose of offering~~  
39 ~~training pursuant to this article and the number of teachers and~~  
40 ~~instructional aides and paraprofessionals who directly assist with~~

1 classroom instruction in mathematics, reading, or science,  
2 respectively, that each has trained.

3 (4) Information detailing the effectiveness of the program  
4 established pursuant to this article. This information shall, at a  
5 minimum, incorporate survey data concerning program  
6 effectiveness and preprogram and postprogram pupil  
7 achievement that has been gathered from program participants  
8 and school principals.

9 (5) To the extent that information is available, information  
10 detailing, by credential type, the retention rate of teachers who  
11 participated in training offered pursuant to this article. The  
12 information shall, at a minimum, incorporate sample data  
13 concerning teachers who are no longer in the profession.

14 (6) To the extent that information is available, information  
15 detailing the retention rate of instructional aides and  
16 paraprofessionals who directly assist with classroom instruction  
17 in mathematics, reading, or science who participated in training  
18 offered pursuant to this article. The information shall, at a  
19 minimum, incorporate sample data concerning aides who are no  
20 longer in the profession, as well as aides who have obtained a  
21 teacher credential subsequent to receiving training.

22 ~~SEC. 10.~~

23 *SEC. 12.* Section 99241 of the Education Code is repealed.

24 ~~SEC. 11.~~

25 *SEC. 13.* Section 99242 of the Education Code is amended to  
26 read:

27 99242. This article shall become inoperative on July 1, 2012,  
28 and, as of January 1, 2013, is repealed, unless a later enacted  
29 statute, that becomes operative on or before January 1, 2013,  
30 deletes or extends the dates on which it becomes inoperative and  
31 is repealed.

32 *SEC. 14. It is the intent of the Legislature:*

33 (a) That providers of the training provided pursuant to  
34 subdivision (d) of Section 99234 of the Education Code and  
35 subdivision (a) of Section 99235 of the Education Code, as  
36 approved by the State Board of Education, shall primarily  
37 emphasize the statewide content standards adopted pursuant to  
38 Section 60605 of the Education Code. This emphasis includes  
39 ensuring that providers of training also include content on all of  
40 the following:

- 14  
15  
16 **CORRECTIONS:**  
17 **Text—Pages 9, 15, and 16.**  
18

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